IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 68 OF 2005
IN
WRIT PETITION NO. 5057 OF 1996

The Morarjee Gokuldas Spg. & Wvg. Co. Ltd. Unit No.2. Appellants.
V/s
Dudhnath Rajnarayan Yadav & 2 Ors..... ..... Respondents

Mr.S. More with S.M. Naik, Adv. for the appellants.

Ms. Nagarkar i/by B. Parmar and V. Jagtap for respondents.

CORAM: V.G. PALSHIKAR
AND
D.B. BHOSALE, JJ.
21.10.2005.

PC:

Request for adjournment on behalf of the learned advocate for the appellants is rejected. In para 7 of the impugned order the learned Single Judge has clearly observed that no case is made out for interference under Article 227 of the Constitution of India. The impugned order thus is clearly one passed under Article 227 of the Constitution of India. Mere mention of Article 226 cannot create a right in the litigant to choose the Forum or create a right to an appeal. Taking into consideration the settled position of law on maintainability of Letters Patent Appeal against orders under Article 227 we dismiss the appeal as not tenable. Civil Application, if any, also stand disposed of accordingly.

21.10.05